



UNITED STATES PATENT AND TRADEMARK OFFICE

A/H
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 675,121	09 28 2000	Katsuyo Iwasaki	10873.569US01	9133

7590 08 06 2002

Merchant & Gould PC
P O Box 2903
Minneapolis, MN 55402-0903

EXAMINER

QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
2879	

DATE MAILED: 08 06 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/675,121	IWASAKI, KATSUYO	
	Examiner Kevin Quarterman	Art Unit 2879	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
1) <input type="checkbox"/> Responsive to communication(s) filed on <u>28 September 2000</u> . 2a) <input type="checkbox"/> This action is FINAL . 2b) <input checked="" type="checkbox"/> This action is non-final. 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input type="checkbox"/> Claim(s) <u>1-15</u> is/are pending in the application. 4a) Of the above claim(s) _____ is/are withdrawn from consideration. 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. 6) <input checked="" type="checkbox"/> Claim(s) <u>1-15</u> is/are rejected. 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input type="checkbox"/> The specification is objected to by the Examiner. 10) <input type="checkbox"/> The drawing(s) filed on <u>28 September 2000</u> is/are: a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
Attachment(s)			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.	

DETAILED ACTION

Response to Amendment

1. Applicant's Pre-amendment A, filed on 28 September 2000, has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-6 and 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The terms "plate-like", "pincushion-type", and "barrel-type" are included in the above claims. The addition of the word "type" or "like" to an otherwise definite expression extends to the scope of the expression so as to render it indefinite. *Ex parte Copenhaver*, 109 USPQ 118 (Bd. App. 1955).

Specification

5. The disclosure is objected to because of the following informalities: The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

6. The following title is suggested: --COLOR CATHODE RAY TUBE WITH MEMBERS GENERATING MAGNETIC FIELDS AND COLOR CATHODE RAY TUBE APPARATUS--.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-6, 8-10, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al. (USPN 4142131).

9. Regarding independent claim 1, Ando et al. disclose a color picture tube comprising an in-line electron gun (Abstract).

10. The functional recitation that “side beams of three electron beams pass through localized barrel magnetic fields...and cross-sectional shapes of the side beams are varied” has not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a “means” for performing the specified function, as set forth in 35 USC § 112, 6th paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language.

11. Regarding claim 2, Figure 9 of Ando et al. shows two pairs of members (200, 201, 202, 203) for generating a magnetic field placed above and below side beams of three electron beams so as to sandwich them.

12. Regarding claims 4 and 13-15, Ando et al. disclose the cathode ray tube having a deflection yoke (col. 1, ln. 34-35).

13. Regarding claim 5, Figure 9 of Ando et al. shows the two pairs of members having plate-like magnetic bodies placed in planes perpendicular to an in-line direction and parallel to a direction in which the three electron beams travel.

14. Regarding claims 6 and 10, Figure 9 of Ando et al. shows ends of the plate-like magnetic bodies being bent.

15. Regarding claim 8, Figure 12 of Ando et al. shows a further pair of plate-like members (204, 205) being placed above and below a center beam of the three electron beams so as to sandwich it.

16. Regarding independent claim 9, Ando et al. discloses the limitations of claims 1 and 5, as described above.

17. Regarding claim 12, Ando et al. disclose the limitations of claims 5 and 8, as described above.

18. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

19. Claims 1-7, 9-11, and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueda (USPN 6194824).

20. Regarding independent claim 1, Figure 2 of Ueda shows a color cathode ray tube (1) comprising an in-line electron gun (6).
21. Regarding independent claim 2, Figure 4 of Ueda shows two pairs of members (23, 24, 25, 26) for generating a magnetic field placed above and below side beams of three electron beams so as to sandwich them. Ueda discloses that a barrel magnetic field is formed between the two pairs of members (col. 3, ln. 38-41).
22. Regarding claim 3, Ueda discloses that the strength of the magnetic field varies in synchronization with the deflection magnetic field (col. 2, ln. 30-34).
23. Regarding claims 4 and 13-15, Figure 2 of Ueda shows the color cathode ray tube including a deflection yoke (10).
24. Regarding claim 5, Figure 4 of Ueda shows the two pairs of members having plate-like magnetic bodies placed in planes perpendicular to an in-line direction and parallel to a direction in which the three electron beams travel.
25. Regarding claims 6 and 10, Figure 4 of Ueda shows ends of the plate-like magnetic bodies being bent.
26. Regarding claims 7 and 11, Figure 4 of Ueda shows the two pairs of members comprised of four substantially V-shaped magnetic pieces attached to an inner face of a cylindrical body.
27. Regarding independent claim 9, Ueda discloses the limitations of claims 1 and 5, as described above.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yokota et al. (USPN 6380667) disclose a CRT having correction device. Yi (USPN 5811922) and Headley (USPN 5777429) disclose correcting means for a CRT. Nakane (USPN 5770932) discloses a correcting device for CRT. Inoue et al. (USPN 5598055) disclose deflection device for CRT. Fujiwara et al. (USPN 5225736) disclose CRT apparatus. Iwasaki et al. (USPN 5179319) disclose a deflection yoke for a CRT. Sluyterman (USPN 4962333) discloses a picture display system.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (703) 308-6546. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Kevin Quarterman
Examiner
Art Unit 2879

Vip Patel
Primary Examiner
Art Unit 2879

kq 
July 29, 2002